

REMARKS

In the Office Action mailed August 20, 2008, the Examiner rejects claims 1, 2, 4 through 16 and 18 through 25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2005/0071255 to Wang, et al. ("Wang") in view of U.S. Patent Publication No. 2005/0080772 to Bem ("Bem") and further in view of U.S. Patent No. 6,640,218 to Golding, et al. ("Golding"). The Examiner further rejects claims 1, 2, 4, 7 through 11, 13 through 16, 18 through 21 and 23 through 25 under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Bem and further in view of U.S. Patent Publication No. 2005/0114306 to Shu, et al. ("Shu"). Claims 5, 6, 12 and 22 stand further rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Bem and Shu, and in further view of Golding.

Claims 1, 2, 4 through 16 and 18 through 25 are currently pending in the present application, with claims 1, 19 and 25 being independent claims. By way of present amendment, Applicant hereby amends claims 1, 19 and 25 to recite greater clarity of the presently claimed invention. No new matter has been added and the amendments are supported by the specification as originally filed. For at least the reasons set forth below, Applicant respectfully submits that all pending claims are allowable and respectfully request withdrawal of the rejection of claims 1, 2, 4 through 16 and 18 through 25

Claims 1, 2, 4 through 16 and 18 through 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Bem and further in view of Golding. Claim 1, as currently amended, is directed to a method of scoring data for use in a search engine. The method of independent claim 1 comprises tracking clicks by

users on data returned in a search result in response to a query and determining a user preference for a clicked data in accordance with a physical position of the clicked data in the search result. Determining the user preference for the clicked data is performed by determining a ratio calculating the quotient of actual clicks to the clicked data and a specific query and clicks expected for the clicked data and the specific query, wherein determining clicks expected for the clicked data and the specific query is performed by determining a context dependent user preference score in accordance with a weight table that comprises a weight for the clicked data in accordance with physical position and is keyed to one of a plurality of types of user interfaces. The determined user preference is used to determine rankings for display of future search results. Independent claims 19 and 25 are substantially similar to independent claim 1, but are cast as an apparatus and computer program product, respectively.

Wang discusses a method and apparatus for generating search results with higher relevancy for shopping product searches. (Wang, Para. [0008]). Bem discusses methods, apparatuses, message formats and data structures for determining, scoring, thresholding and rendering an expanded set of relevant ads in an advertisement system. (Bem, Para. [0031]). Golding discusses system and methods for estimating the relative usefulness with respect to a set of user defined criteria of an item of information in a collection of information. (Golding, Col. 4, ll. 40-44).

Applicant respectfully asserts that Wang, Bem, and Golding, either alone or in combination, fail to teach or suggest each and every element of independent claims 1, 19 and 25. Specifically, Wang, Bem, and Golding fail to teach the amended claim element, “wherein determining clicks expected for the clicked data and the specific

query is performed by determining a context dependent user preference score in accordance with a weight table that comprises a weight for the clicked data in accordance with physical position and is keyed to one of a plurality of types of user interfaces.” In support of the rejection of “determining a context dependent user preference score in accordance with a weight table keyed to one of a plurality of types of user interfaces”, the Examiner relies upon Golding’s discussion regarding a Selection Rate Predictor function (SRP(rank)) for a given search engine that can be determined empirically by determining historical selection rates by analyzing historical data from a log and may be impacted by a variety of factors, including the display format of the search engine, the average sophistication of users and the types of data being searched. (Golding, Col. 8, ll. 54-60).

The SRP(rank) function discussed in Golding, however, fails to teach or suggest “. . . a context dependent user preference score in accordance with a weight table that comprises a weight for the clicked data in accordance with physical position . . .” Although Golding discusses that SRP(rank) “may be implemented as a lookup table that matches ranks to empirically determined values” (Golding, Col. 8, ll. 61-62), the lookup table discussed in Golding does not teach a table that comprises weights for clicked data in accordance with the physical position of the clicked data. According to Golding, the SRP(rank) that may be implemented by a lookup table that is based upon empirically determined values that use such factors as “the display format of the search engine, the average sophistication of users, and the types of data being searched . . .” (Golding, Col. 8, ll. 57-60). Factors such as display formats, user sophistication and data types that are used in the lookup table of Golding are simply not the same as weights for clicked data in accordance with the physical position of the clicked data, maintained in a weight table,

that are used to determine a context dependent user preference score as presently claimed. Thus, for at least these reasons, Wang, Bem, and Golding, either alone or in combination, fail to teach or suggest the elements of independent claims 1, 19 and 25 as amended. Accordingly, Applicant respectfully requests withdrawal of the rejection of independent claims 1, 19 and 25 and allowance regarding the same.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the prior art of record. Given the Applicant's position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

Claims 1, 2, 4, 7 through 11, 13 through 16, 18 through 21 and 23 through 25 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Bem and further in view of U.S. Patent Publication No. 2005/0114306 to Shu, et al. ("Shu"). For the sake of brevity, Applicants re-iterate the above-offered positions regarding Wang and Bem. And similar to the above-offered position regarding the failure of Golding, Shu fails to teach or suggest the claimed limitations.

In support of this rejection, the Examiner points to Fig. 3 and paragraphs 38-39, 59 and 110-116 to teach the rank table of Shu. This table includes a weighting factor applicable to adjust a search result. Although, Shu fails to teach or suggest the table comprises "a weight for the clicked data in accordance with physical position." Rather, Shu clearly and succinctly teaches the weighting table of Fig. 3 relates to the source from whence the content is retrieved. This is further emphasized by the entries of Fig. 3 that illustrate the possible content sources and the weighting factors, such as the

user weighting factors.

Shu teaches the adjustment of content weighting based the source. This is wholly and entirely inconsistent with the claimed physical position of the clicked data within a search result display. Accordingly, Applicants submit the rejection is improper and the claims are patentable in view of the Wang, Bem and Shu combination.

For at least all of the above reasons, Applicant respectfully requests that the Examiner withdraw all rejections and objections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

Dated: November 20, 2008

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SUBMITTED ELECTRONICALLY
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TRADEMARK OFFICE EFS FILING
SYSTEM ON NOVEMBER 20, 2008.



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